



Comisiwn y Gyfraith

Diwygio'r gyfraith

Law Commission

Reforming the law

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Dr Therese Coffey MP  
Under Secretary of State  
Defra  
Nobel House  
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Dear Minister,

Thank you for your letter dated 22 November setting out the Government's response to our Report on Wildlife law.

It is naturally disappointing that the Government has no immediate intention to act on our recommendations. I nevertheless understand that leaving the EU will dramatically change the context within which our Report was drafted and your Department operates, and that now would not be an appropriate time to bring forward a major reform of wildlife law.

I trust that the Department will nevertheless find our Report of value. The project's core aim to provide clear, coherent legislation and a modern, flexible regulatory framework to govern wildlife management in England and Wales remains vitally important. I hope that our Report and draft Bill will be useful tools in achieving that goal in due course.

I am confident that the Report provides a comprehensive account of the domestic, EU and other international legal obligations which currently apply in England and Wales. The Bill provides a clear exposition in one document of the legislation necessary to give effect to the current domestic legislative policy, together with adaptations to give effect to current international obligations (and in that connection it is important to bear in mind that a great many of the obligations imposed by EU Directives reflect underlying international conventions and agreements that will remain in place after the UK has exited the EU). The Report and Bill will greatly facilitate the task of taking stock of the current situation and making further adaptations to reflect future policy choices. Needless to say, the Law Commission would be pleased to assist the Department further if you found that useful.

Whilst this would be less satisfactory than our recommended new Bill, a certain amount of rationalisation of the domestic legislation could be achieved without primary legislation. Section 25 of the Wildlife and Countryside Act 1981 gives power to amend certain schedules to the Act by statutory instrument. This might usefully be considered as an interim measure.

Over the life of the project the Commission received assistance and support from a huge number of stakeholders who responded to our consultation or gave up time to meet us. It would be wrong of me not to reiterate our debt of gratitude to them for their past and ongoing support.

Could I conclude by offering my thanks, on behalf of the Commission, to the officials in your Department who worked with us on this project? Their interest and assistance were invaluable.

Yours sincerely

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The Rt. Hon. Sir David Bean

Chair, Law Commission of England and Wales